

AMENDED IN ASSEMBLY APRIL 10, 2014

AMENDED IN ASSEMBLY APRIL 9, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1908**

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**Introduced by Assembly Member Bigelow**

February 19, 2014

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An act to amend Section 36101 of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1908, as amended, Bigelow. Vehicles: farm vehicles.

Existing law exempts certain farm vehicles from registration if they have and display an identification plate, including a truck tractor or truck tractor and semitrailer combination, as specified, that is operated on highways only incidental to a farming operation and exclusively in the production or harvesting of melons, as specified. Existing law prohibits these vehicles from being operated in excess of 25 miles per hour on highways and authorizes the Commissioner of the California Highway Patrol to ~~prohibit~~ *prohibit* the vehicles from operating on specific routes, as specified.

This bill would provide a similar exemption for a truck tractor or truck tractor and semitrailer combination, as specified, that is operated on highways only incidental to a farming operation and exclusively in the hauling of onions, as specified. The bill would provide that the vehicle shall only be operated by a farmer, an employee of the farmer, or a contracted employee of the farmer between one part of a farm to another part of that farm, or from one farm to another farm, on a

highway for a distance not to exceed 10 miles from the point of origin of the trip.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 36101 of the Vehicle Code is amended  
2 to read:

3 36101. The following farm vehicles are exempt from  
4 registration, if they have and display an identification plate as  
5 specified in Section 5014, and the vehicles shall not be deemed to  
6 be implements of husbandry and they shall be subject to all  
7 equipment and device requirements as if registered:

8 (a) A motor vehicle of a size so as to require a permit under  
9 Section 35780 owned and operated by a farmer, designed and used  
10 exclusively for carrying, or returning empty from carrying, feed  
11 and seed products of farming, and used on a highway between one  
12 part of a farm to another part of that farm or from one farm to  
13 another farm.

14 (b) A vehicle equipped with a water tank owned by a farmer  
15 and used exclusively to service his or her own implements of  
16 husbandry.

17 (c) A water tank truck that is owned by a farmer, not operated  
18 for compensation, and used extensively in the conduct of  
19 agricultural operations, when used exclusively (1) for sprinkling  
20 water on dirt roads providing access to agricultural fields or (2)  
21 transportation of water for irrigation of crops or trees.

22 (d) (1) A cotton module mover, as defined in Section 36012.

23 (2) In order to maintain the exemption from registration granted  
24 under this subdivision for a truck tractor, when combined with a  
25 semitrailer, the owner of that truck tractor shall not operate it during  
26 the exemption period in any manner other than as a cotton module  
27 mover, as defined in Section 36012, and shall do all of the  
28 following:

29 (A) Register the vehicle with the department before operating  
30 it as a commercial motor vehicle.

31 (B) Apply to the department on a yearly basis for any renewal  
32 of the exemption from registration.

1 (3) Exemption from registration under this subdivision does not  
2 exempt a truck tractor, when combined with a semitrailer, operating  
3 as a cotton module mover pursuant to Section 36012 and this  
4 subdivision from the applicable safety requirements of this code  
5 or any regulation adopted pursuant to any statute, including, but  
6 not limited to, equipment standards, driver licensing requirements,  
7 maximum driving and on-duty hours provisions, logbook  
8 requirements, drug and alcohol testing, maintenance of vehicles,  
9 and any driver or vehicle standards specified in Division 14.8  
10 (commencing with Section 34500).

11 (4) Truck tractors exempt from registration under this  
12 subdivision are subject to the fees imposed under Sections 9250,  
13 9250.8, and 9250.13, and to any other vehicle fees that are imposed  
14 by statute on or after January 1, 1998, that are deposited in the  
15 Motor Vehicle Account.

16 (e) A trailer that is equipped with a plenum chamber for the  
17 drying of agricultural commodities.

18 (f) Except as provided in subdivision (j) of Section 36005, a  
19 trap wagon, as defined in Section 36016, that is equipped with a  
20 fuel tank or tanks. The fuel tank or tanks shall not exceed 3,000  
21 gallons total capacity.

22 (g) A forklift truck, operated by a farmer not for compensation.  
23 For purposes of this section, a hay-squeeze shall be deemed a  
24 forklift.

25 (h) (1) A truck tractor or truck tractor and semitrailer  
26 combination specified in this subdivision that is owned by a farmer  
27 and operated on the highways only incidental to a farming  
28 operation and not for compensation. This subdivision applies only  
29 to truck tractors with a manufacturer's gross vehicle weight rating  
30 over 10,000 pounds that are equipped with all-wheel drive and  
31 off-highway traction tires on all wheels, and only to semitrailers  
32 used in combination with that truck tractor and exclusively in the  
33 production or harvesting of melons. The vehicles specified in this  
34 subdivision shall not be operated in excess of 25 miles per hour  
35 on the highways.

36 (2) The Commissioner of the California Highway Patrol may,  
37 by regulation, prohibit the vehicles specified in this subdivision  
38 from operating on specific routes. These vehicles shall not be  
39 operated laden on the highway for more than two miles from the  
40 point of origin and shall not be operated for more than 30 miles

1 unladen on the highway from the point of origin. These vehicles  
2 shall not be operated for more than 15 miles unladen on the  
3 highway from the point of origin, unless accompanied by an escort  
4 vehicle to the front, and an escort vehicle to the rear.

5 (i) (1) A motor vehicle specifically designed for, and used  
6 exclusively in, an agricultural operation for purposes of carrying,  
7 or returning empty from carrying, silage ~~or onions~~ that is operated  
8 by a farmer, an employee of the farmer, or a contracted employee  
9 of the farmer between one part of a farm to another part of that  
10 farm or from one farm to another farm, on a highway for a distance  
11 not to exceed 20 miles from the point of origin of the trip. This  
12 subdivision does not include a vehicle that is used for the  
13 transportation of silage ~~or onions~~ for retail sales.

14 (2) For the purposes of this subdivision, “silage” includes field  
15 corn, sorghum, grass, legumes, cereals, or cereal mixes, either  
16 green or mature, converted into feed for livestock.

17 (j) A truck tractor or truck tractor and semitrailer combination  
18 specified in this subdivision that is owned by a farmer and operated  
19 on the highways only incidental to a farming operation and not for  
20 compensation. The vehicle shall only be operated by a farmer, an  
21 employee of the farmer, or a contracted employee of the farmer  
22 between one part of a farm to another part of that farm, or from  
23 one farm to another farm, on a highway for a distance not to exceed  
24 10 miles from the point of origin of the trip. This subdivision  
25 applies only to truck tractors with a manufacturer’s gross vehicle  
26 weight rating over 10,000 pounds that are equipped with  
27 off-highway traction tires on all wheels, and only to semitrailers  
28 used in combination with that truck tractor and exclusively in the  
29 hauling of onions. The vehicles specified in this subdivision shall  
30 not be operated in excess of 25 miles per hour on the highways.  
31 The Commissioner of the California Highway Patrol may, by  
32 regulation, prohibit the vehicles specified in this subdivision from  
33 operating on specific routes.